

11-29-02

RCE/1600

Practitioner's Docket No. 17396/09074 (51-21(3608)B)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: M. Francis Botts, Frank C. Kohn and Maria L. Miller

Application No.: 09/326,014

Group No.: 1616

Filed: June 4, 1999

Examiner: Neil Levy

For: Particles Containing Agricultural Active Ingredients

Box RCE

Commissioner for Patents

Washington, D.C. 20231

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PATENT
P. TUCK
#20
1/6/03

REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C.F.R. § 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

TIME REQUEST IS BEING MADE

2. This request is being submitted:

i. Prior to abandonment of the application

ENCLOSURES

3. Enclosed herewith are:

Amendment and Response to Office Action Under 37 CFR § 1.111
Petition and Fee for Extension of Time (37 CFR § 1.136(a))

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Box RCE, Commissioner for Patents, Washington D.C. 20231
37 C.F.R. § 1.8(a)
☐ with sufficient postage as first class mail.

☒ as "Express Mail Post Office to Addressee"
Mailing Label No. EU707125004US (mandatory)

TRANSMISSION

- ☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

12/02/2002 MAHMEI 00000114 09326014

01 FC:1801

-740.00 OP

Date: November 27, 2002

Adjustment date: 00/00/0000 06124-03
12/02/2002 MAHMEI 00000114 09326014
01 FC:1801 -740.00 OP

Signature

Deborah Anne Weiner

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Request for Continued Examination (RCE) (37 C.F.R. § 1.114)--page 1 of 3

Repln. Ref: 06/24/2003 EEKUBAY1 0607335800
DAH: 502548 Name/Number: 09326014
FC: 9204 \$740.00 CR

FEE FOR REQUEST (37 C.F.R. § 1.17(e)).

4. This application is on behalf of other than small entity.

Continued Prosecution Request Fee: \$740.00

FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	34	—	45 =	0 x \$	18.00	= \$	0.00
INDEP.	3	—	4 =	0 x \$	84.00	= \$	0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$	280.00	= \$	0.00
				TOTAL			
				ADDIT. FEE		\$	0.00

No additional fee for claims is required.

EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for three months:

Fee: \$920.00

TOTAL FEE(S) DUE

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e))	\$740.00
Fee(s) for additional claims (Section 1.16(b)-(d))	\$0.00
Extension of time fee (Section 1.17(a)(1)-(4))	\$920.00
Total Fee(s) Due:	\$1,660.00

PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

Check Number 22172 is attached for the sum of \$1,660.00.

Please charge any required additional fee(s) for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to Account 50-1196.

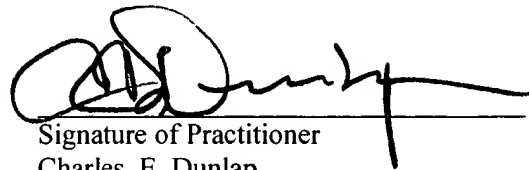
INVENTORSHIP

9. This application as amended names as inventors the same inventors as previously designated for the claims.

Date: November 27, 2002

Reg. No.: 35,124

Tel. No.: 864-250-2238



Signature of Practitioner

Charles E. Dunlap

Nelson, Mullins, Riley & Scarborough, L.L.P.

Keenan Building, Third Floor

1330 Lady Street

Columbia, SC 29201



Practitioner's Docket No. 17396/09074 (51-21(3608)B)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: M. Francis Botts, Frank C. Kohn and Maria L. Miller

Application No.: 09/326,014

Group No.: 1616

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For: Particles Containing Agricultural Active Ingredients

Box RCE

Commissioner for Patents

Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

"Express Mail" label number EU707125004US

Date of Deposit 11/27/2002

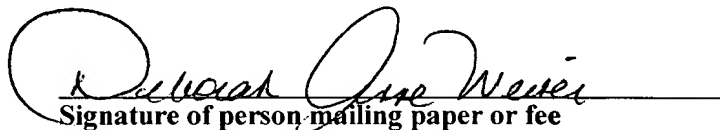
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I hereby state that the following *attached* papers and fees:

1. Fee Transmittal Sheet (1 page)
2. Request for Continued Examination (RCE) (37 C.F.R. §1.114) (3 pages)
3. Petition and Fee for Extension of Time (37 C.F.R. §1.136(a)) (2 pages)
4. Amendment and Response to Office Action Under 37 C.F.R. §1.111 with List of Amended Claims with Markings to Show Changes Made (11 pages)
5. Check Number 22172 for \$1,660.00 (1 page)
6. Return Postcard (1 page)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, on the date indicated above and is addressed to Box RCE, Commissioner for Patents, Washington, D.C. 20231.

Deborah Anne Weiner


Signature of person mailing paper or fee

NOV 27 2002

PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 1660.00

Complete if Known

Application Number	09/326,014
Filing Date	06/04/1999
First Named Inventor	Botts et al
Examiner Name	Neil Levy
Group Art Unit	
Attorney Docket No.	17396/09074

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 50-1196
 Deposit Account Name: Nelson Mullins Riley & Scarborough

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	740.00
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 1660.00

SUBMITTED BY

Name (Print/Type) Charles E. Dunlap

Registration No. 35,124
(Attorney/Agent)**Complete (if applicable)**

Telephone (864)250-2238

Signature

Date 11/27/2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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